

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA**

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| In Re: VERONICA ANNE FAULSEIT, a/k/a Veronica Fauseit-Rubin, Debtor. | Case No. 09-50351 Chapter 13 UNITED STATES TRUSTEE'S MOTION TO DISMISS |
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The United States Trustee respectfully moves the Court, pursuant to 11 U.S.C. §§1307(c)(1),(3), and (9), 521(a)(1)(B) (iv) and(v), and Federal Rules of Bankruptcy Procedure 1007(b) and 3015(b) for an Order dismissing the above-captioned Chapter 13 case for Debtor's failure to file a schedule of assets and liabilities, a schedule of current income and current expenditures, or a statement of financial affairs; for Debtor's failure to file her payment advices or other evidence of payments received within sixty (60) days prior to the filing of her case; for Debtor's failure to file a statement of current monthly income and means test calculation (B22C form); and for her failure to file her Chapter 13 plan under 11 U.S.C. §1321.

In support of his Motion, the United States Trustee states and alleges that:

1. Debtor filed a petition for relief under Chapter 13 of Title 11 on September 3, 2009.
2. Pursuant to 11 U.S.C. §1307(c)(1) and (3) and Federal Rules of Bankruptcy Procedure 1007(b) and 3015(b), Debtor was to have filed her schedule of assets and liabilities, a schedule of current income and current expenditures, her statement of financial affairs, and her Chapter 13 plan under 11 U.S.C. §1321 within fifteen (15) days of the filing of her petition.

3. Pursuant to 11 U.S.C. §§521(a)(1)(B)(iv) and (v) and 1307(c)(1),(3), and (9), Debtor was to have filed her payment advices or other evidence of payments received within sixty (60) days prior to the filing of her case, as well as a statement of current monthly income and means test calculation (B22C form), within fifteen (15) days of the filing of her petition.

4. More than fifteen (15) days have passed since the filing of Debtor's petition, and Debtor has failed and/or refused to file such documents.

5. Pursuant to 11 U.S.C. §1307(c)(1),(3), and (9), the Court may dismiss a Chapter 13 case for failure to timely file such documents.

WHEREFORE, the United States Trustee respectfully urges the Court to enter its Order dismissing the above-captioned case for Debtor's failure to file a schedule of assets and liabilities, a schedule of current income and current expenditures, or a statement of financial affairs; for Debtor's failure to file her payment advices or other evidence of payments received within sixty (60) days prior to the filing of her case; for Debtor's failure to file a statement of current monthly income and means test calculation (B22C form); and for her failure to file her Chapter 13 plan under 11 U.S.C. §1321.

HABBO G. FOKKENA
UNITED STATES TRUSTEE
REGION 12

Dated: September 23, 2009.

By: /s/ BRUCE J. GERING
Bruce J. Gering
Assistant United States Trustee
314 South Main Avenue, Suite 303
Sioux Falls, SD 57104-6462
Tele: (605) 330-4450
Fax: (605) 330-4456
Email: Bruce.J.Gering@usdoj.gov